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Lisa M. Hemmendinger  
Banner & Witcoff  
1001 G Street, NW  
Washington, DC 20001

27 OCT 2006

In re Application of	:	
BESCHORNER, et al.	:	
Application No.: 10/527,587	:	
PCT No.: PCT/US03/29251	:	DECISION ON RENEWED
Int. Filing Date: 17 September 2003	:	
Priority Date: 19 September 2002	:	PETITION UNDER
Atty. Docket No.: 00241.00003	:	
For: GROWTH OF FOREIGN CELLS IN FETAL	:	37 CFR 1.47(a)
ANIMALS FACILITATED BY CONDITIONAL	:	
AND SELECTIVE DESTRUCTION OF HOST	:	
CELLS	:	

This decision is in response to the applicant's "RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)" filed 26 October 2006 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 27 April 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without the signatures of inventors Carlos E. Sosa and Scott C. Thompson. Applicant was afforded two months to file a renewed petition.

On 26 October 2006, applicant filed the renewed petition under 37 CFR 1.47(a) discussed herein accompanied by a petition for a four-month extension of time and payment of the extension of time fee. As such, applicant's renewed petition is considered timely filed.

### **DISCUSSION**

As detailed in the decision mailed 27 April 2006, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the present filing of the declaration of Dr. Nathan D. Bills applicant has provided sufficient evidence that Carlos E. Sosa and Scott C. Thompson can not be located despite the diligent efforts of the applicant.

As such, it is proper to grant applicant's renewed petition at this time.

**CONCLUSION**

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 17 September 2003 under 35 U.S.C. 363, and will be given a date of **21 February 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459